

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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FLEETWOOD SERVICES, LLC,

Plaintiff,

-v-

RAM CAPITAL FUNDING, LLC, TSVI REICH a/k/a  
STEVE REICH, RICHMOND CAPITAL GROUP LLC  
n/k/a RCG ADVANCES LLC, and ROBERT  
GIARDINA,Defendants.  
-----X

20-cv-5120 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Defendants Robert Giardina and Richmond Capital Group, LLC move for a stay, pending appeal of (1) enforcement of the judgment of the Court dated August 18, 2022, in the amount of \$175,351 and (2) consideration of Fleetwood's motion for attorneys' fees. Dkt No. 108.

On August 17, 2022, the Court issued an Opinion and Order granting judgment in favor of plaintiff Fleetwood Services, LLC, which directed the Clerk of Court to enter judgment in favor of Fleetwood and against defendant Giardina in the amount of \$175,351.00. *Fleetwood Servs., LLC v. Ram Capital Funding*, 2022 WL 3536128, at \*7 (S.D.N.Y. Aug. 17, 2022). On August 18, 2022, in accordance with that Opinion and Order the Court entered a Clerk's Judgment in that amount on Count Five of the complaint and dismissed Counts One through Four of Fleetwood's complaint with prejudice. Dkt. No. 106. Giardina has filed a notice of appeal. Dkt. No. 107. There is currently pending Plaintiff's motion for attorneys' fees. Dkt. No. 109.

Defendants offer no support for their request for a stay other than to assert that "appellate counsel have found four justiciable issues." Dkt. No. 108 at 1. They did not file a response to Fleetwood's opposition to the motion to stay by the applicable deadline. *See* Dkt. No. 114.

Federal Rule of Civil Procedure 62 provides that "[a]t any time after judgment is entered, a party may obtain a stay by providing a bond or other security." Fed. R. Civ. P. 62(b). Accordingly, the Court will stay enforcement of the judgment upon the posting of a supersedeas bond acceptable to the Court in the full amount of the \$175,351.00 judgment plus interest and costs on appeal. *See* Wright and Miller, Federal Practice & Procedure § 2905 ("[T]he amount of the bond usually will be set in an amount that will permit satisfaction of the judgment in full, together with costs, interest, and damages for delay . . ."). Defendants have not made a showing of likelihood of success on the merits that would support any lower bond. *See Allstate Ins. Co. v.*

*Williams*, 2015 WL 13856991, at \*1 (E.D.N.Y. Jan. 6, 2015) (explaining that defendants “ha[d] not advanced a valid justification for departing from the usual requirement of a full security supersedeas bond sufficient to cover the judgment” in part because defendants did not make “any showing—let alone a ‘strong showing’—that they are likely to succeed on the merits of their appeal”).

The Court will not hold in abeyance its decision on the motion for attorneys’ fees. The Clerk of Court is respectfully directed to close Dkt. No. 115.

SO ORDERED.

Dated: September 29, 2022  
New York, New York

A handwritten signature in black ink, appearing to read "L. Liman", is written over a horizontal line.

LEWIS J. LIMAN  
United States District Judge